

HECKER SER 25.

USDC SONY
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DATE FILED: 6/6/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

IN RE SEPTEMBER 11 LITIGATION

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21 MC 97 (AKH)
21 MC 101 (AKH)
This document relates to:
All Cases

IN RE SEPTEMBER 11 PROPERTY DAMAGE
AND BUSINESS LOSS LITIGATION

- x

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

WHEREAS, defendant AirTran Airways, Inc. ("AirTran") represents that on

September 11, 2001,

1. it did not utilize or operate out of any gates which required passengers to pass through (a) the Terminal B Main or Middle checkpoints or Terminal C checkpoint at Boston Logan International Airport or (b) the checkpoint at the Portland International Jetport;
2. it did not provide or participate or share in providing security or contracting for the provision of security at or in connection with (a) the Terminal B Main or Middle checkpoints or Terminal C checkpoint at Boston Logan International Airport, (b) the checkpoint at the Portland International Jetport, or (c) American Airlines Flight 11, United Airlines Flight 175 or Colgan Air Flight 5930; and
3. there are no other remaining claims or cross-claims pending against it, in any court, arising out of, relating to or resulting from American Airlines Flight 11 or United Airlines Flight 175 on September 11, 2001;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys of record for the respective parties hereto that the Cross-Claims by the Cross-Claim Plaintiff The Port Authority of New York and New Jersey (PANYNJ), contained in the Amended Flight 11 Master Liability Complaint and 175 Master Liability Complaint, against defendant AirTran, are hereby dismissed without prejudice and without costs to

either party as against the other.

PANYNJ reserves the right to recommence their Cross-Claims if PANYNJ learns facts which suggest that any representation recited in the first paragraph above is untrue. AirTran agrees that any such reinstatement of the Cross-Claims will relate back to the date of the original filing and that it will not assert a statute of limitations defense to the refiled claims.

James P. Ritterer
Dated: May 5, 2007
New York, New York

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SO ORDERED.

Dated: New York, New York

May 6, 2007

6/6/07

Alvin K. Hellerstein
Alvin K. Hellerstein
United States District Judge